



<NOTICE>

<PREAMB>

<AGENCY TYPE='S'>DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

<DEPDOC>[Docket Number FR- 5623-N-01]

<SUBJECT>Federal Housing Administration (FHA) Healthcare Facility Documents:  
Proposed Revisions and Updates and Notice of Information Collection

**AGENCY:** Office of the Assistant Secretary for Housing--Federal Housing Commissioner, HUD.

**ACTION:** Notice.

**SUMMARY:** Consistent with the Paperwork Reduction Act of 1995 (PRA), HUD is publishing for public comment a comprehensive set of closing and other documents used in connection with transactions involving healthcare facilities (excluding hospitals) that are insured pursuant to section 232 of the National Housing Act (Section 232). In addition to meeting PRA requirements, this notice seeks public comment for the purpose of enlisting input from the lending industry and other interested parties in the development, updating, and adoption of a set of instruments (collectively, healthcare facility documents) that offer the requisite protection to all parties in these FHA-insured mortgage transactions, consistent with modern real estate and mortgage lending laws and practices. The healthcare facility documents, which are the subject of this notice, can be viewed on HUD's website: [www.hud.gov/232forms](http://www.hud.gov/232forms). HUD is also publishing today a proposed rule that will submit for public comment certain revisions to FHA's Section 232 regulations for the purpose of ensuring consistency between the program regulations and the revised healthcare facility documents.

**DATES:** Comment Due Date: July 2, 2012.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposed rule. Communications must refer to the above docket number and title. There are two methods for submitting public comments:

**1. Submission of Comments by Mail.** Comments may be submitted by mail to the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street, SW, Room 10276, Washington, DC 20410-0500.

**2. Electronic Submission of Comments.** Comments may be submitted electronically through the Federal eRulemaking Portal at [www.regulations.gov](http://www.regulations.gov). HUD strongly encourages commenters to submit comments electronically. Electronic submission of comments allows the commenter maximum time to prepare and submit a comment, ensures timely receipt by HUD, and enables HUD to make them immediately available to the public. Comments submitted electronically through the [www.regulations.gov](http://www.regulations.gov) website can be viewed by other commenters and interested members of the public. Commenters should follow the instructions provided on that site to submit comments electronically.

<NOTE><HED>**Note:**<P>To receive consideration as public comments, comments must be submitted through one of the two methods specified above. Again, all submissions must refer to the docket number and title of the rule.</NOTE>

No Facsimile Comments. Facsimile (fax) comments are not acceptable.

**Public Inspection of Public Comments.** All properly submitted comments and communications submitted to HUD will be available for public inspection and copying between 8 a.m. and 5 p.m. weekdays at the above address. Due to security measures at the HUD Headquarters building, an appointment to review the public comments must be scheduled in advance by calling the Regulations Division at 202-708-3055 (this is not a toll-free number).

Individuals with speech or hearing impairments may access this number via TTY by calling the Federal Relay Service at 800-877-8339. Copies of all comments submitted are available for inspection and downloading at [www.regulations.gov](http://www.regulations.gov).

**FOR FURTHER INFORMATION CONTACT:**

**For policy questions contact:** John M. Hartung, Director, Policy and Risk Management Division, Office of Residential Care Facilities, Office of Healthcare Programs, Office of Housing, U.S. Department of Housing and Urban Development, 1222 Spruce Street, Room 3.203, St. Louis, MO 63103-2836; telephone (314) 418-5238 (this is not a toll-free number). Persons with hearing or speech disabilities may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877-8339.

**For legal questions contact:** Millie Potts, Acting Associate General Counsel, Office of the General Counsel, Room 9230, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410-0500; telephone (202) 708-1274 (this is not a toll-free number). Persons with hearing or speech disabilities may access this number through TTY by calling the toll-free Federal Information Relay Service at (800) 877-8339.

**SUPPLEMENTARY INFORMATION:**

**<HD1>I. Background and Overview**

The issuance of this notice is modeled on the public review and input process that HUD utilized in the updating of its multifamily rental project closing documents. On May 2, 2011, at 76 FR 24363, HUD published a notice announcing HUD's completion of the updates to the multifamily rental project closing documents. The update of HUD's multifamily rental project closing documents involved substantial review of proposed changes to those documents and the opportunity for considerable public comment. Building on the experience of that process,

including the changes made to the multifamily rental project closing documents, HUD has revised its healthcare facility documents to utilize, as appropriate, the updated multifamily documents while also developing standardized healthcare facility-specific documents as necessary. This notice solicits comments on this revised set of healthcare facility documents.

The revised healthcare facility documents can be viewed at: [www.hud.gov/232forms](http://www.hud.gov/232forms). All of the documents that are the subject of this notice are listed in the Paperwork Reduction Act table found in Section III of this notice. Where healthcare facility documents are based on updated multifamily rental project closing documents, the healthcare facility documents, in addition to being presented in an unmarked format, are presented in redline/strikeout format so that the reviewer can see the changes proposed to be made to the multifamily rental project closing documents in order to make the documents applicable to healthcare facility transactions. Where proposed healthcare facility documents are based on existing healthcare facility documents, the proposed healthcare facility documents, in addition to being presented in an unmarked format, are also presented in redline/strikeout format so that the reviewer can see the changes proposed to the existing healthcare facility documents. Summaries of the major changes to some of the principal documents follow. Where capitalized terms are used, such terms refer to the titles of documents or defined terms in the documents.

The requirements for commitment and endorsement of a mortgage note are provided in HUD's regulations primarily at 24 CFR part 200, subpart A; 24 CFR part 232, and including, in particular, cross-references to general eligibility requirements for the FHA multifamily housing insurance programs in 24 CFR part 207. HUD's regulations provide that where specific documents are referenced in the regulations such documents shall be in a form as prescribed by HUD. The regulations also specify other program requirements that are reflected in the proposed

documents. In order to ensure consistency between applicable program regulations and the proposed updated documents, revisions to certain of these regulations will be the subject of a proposed rule that HUD will soon be publishing.

## **<HD1>II. Summary of Changes to Selected HUD Healthcare Facility Documents**

As detailed more fully below, the overall contractual framework, as set forth in the proposed revised documents, clarifies current policies, and strengthens HUD's oversight. For example, although HUD has always taken the position that an operator, like a borrower, would be subject to regulatory restrictions pursuant to the transaction's regulatory agreements, the revised documents clarify this policy and set forth more specific regulatory restrictions. The revised documents propose to: maintain operators' currently broad discretion over the use of project funds, provided that quarterly and year-to-date financial reports demonstrate that the healthcare facility is maintaining sufficient working capital; give borrowers greater flexibility in the use of project funds, provided that semi-annual calculations demonstrate positive surplus cash; increase a healthcare facility's ability to weather financial downturns with a debt service reserve; expand information sharing with lenders; clarify requirements for multiple facility portfolios and master lease structures; update terms and standardize provisions across the nation. Although a summary of the revised provisions follows below, HUD encourages interested parties to review the proposed form documents, posted on its website at: [www.hud.gov/232forms](http://www.hud.gov/232forms)

Regulatory Agreements. The healthcare regulatory agreements are based on the Regulatory Agreement for Multifamily Projects, with three specific regulatory agreements proposed: (1) A borrower's regulatory agreement; (2) an operator's regulatory agreement; and for use where applicable, (3) a master tenant's regulatory agreement. The agreements are proposed to apply to multiple potential deal structures. For example, the operator's regulatory

agreement will apply to any operator, whether such operator is a lessee or an operator pursuant to some other contractual arrangement; the borrower's regulatory agreement will apply whether or not the borrower is also the operator, and whether the borrower's operator leases the healthcare facility or operates the facility pursuant to some other contractual arrangement. Borrowers who also operate the healthcare facility will execute both the borrower's and the operator's regulatory agreements.

Substantively, the regulatory agreements provide, without limitation, that: the healthcare facility shall only be used for approved uses and maintained in decent, safe, sanitary condition and good repair; borrowers must maintain a debt service reserve; borrowers may take distributions of project funds so long as semi-annual calculations demonstrate positive surplus cash; non-profit borrowers must maintain residual receipt accounts; project records must be adequately maintained and kept available for inspection; borrowers must submit audited annual financial statements; operators must submit quarterly and year-to-date financial statements; copies of certain notices, reports, surveys and other correspondence relating to the permits and approvals necessary to operate the healthcare facility must be provided to HUD and Lender; HUD's consent must be obtained prior to any change in the operator or management agent; if the healthcare facility's financial or operational viability is at risk, HUD may require the operator to engage an operational consultant; and HUD may terminate an operator's, master tenant's, or sublessee's rights to operate the healthcare facility upon an uncured default.

Management Certification. HUD also invites comments regarding a newly created management certification ("Management Agent's and Owner's or Operator's Certification for Residential Care Facilities for Identity-of-Interest or Independent Management Agents"). HUD recognizes that in most instances the licensed operator, through a contractual relationship with

the owner, handles the management activities of the facility. Sometimes, however, that operator (or even the owner itself *as the licensed operator*) contracts with another entity (“management agent”) to handle some management activities. HUD has determined that, in those instances, it is important that the management agent execute a controlling document whereby it makes key certifications/commitments directly to HUD, and through which HUD can directly pursue remedies in the event of noncompliance.

Security Instrument and Security Agreements. The borrower, operator, and, if applicable, master tenant, all provide collateral to the lender as security for the loan. Operators and master tenants provide Uniform Commercial Code (UCC) collateral through security agreements; borrowers provide their interests in both UCC property and real property. Based on the revised multifamily security instrument, the borrower’s security instrument is set up with alternative language that can be used as applicable in states where mortgages, deeds of trust, security deeds, or other instrument forms are used. State-specific addenda may be developed by HUD field counsel as required for the various jurisdictions and may need to be appended, comparable to the approach taken in the multifamily rental documents. Collectively, the borrower’s security instrument and operator’s and master tenant’s security agreements provide the lender with security for the loan in all project-related assets. These security documents also incorporate the regulatory agreements and give the lenders rights to enforce the borrower’s promises to provide lender with appropriate notices, correspondence, and other applicable reports. In addition to these security documents, borrowers and/or operators, as applicable, will be required to execute form deposit account control agreements, and related documents, to adequately perfect the lender’s security interests in the project accounts. Where accounts receivable financing is

utilized, the revised form intercreditor agreement sets forth the terms pursuant to which an accounts receivable lender's interest may take priority over the HUD-insured lender's interests.

Healthcare Facility Note. The substantive provisions of the promissory note used for the healthcare facility transactions have not been substantially revised, but the form of note has been revised, adopting the revised multifamily note form. The loan remains a non-recourse loan, as set forth in the note. The borrower's personal assets are not at risk for the repayment of the loan. However, as with the multifamily note posted on HUD's website on May 2, 2011, to the extent an individual commits fraud, steals funds from the project, or is otherwise unjustly enriched through improper use of project funds, HUD will pursue recovery of such funds, and certain controlling entities and individuals will be asked to sign the regulatory agreement in acknowledgement of such potential liability.

Master Lease documents. As multi-facility portfolio transactions increase in occurrence, the master lease structure is increasingly utilized. In response to this trend, HUD proposes several form documents to be used in master lease structured transactions. The documents proposed include an Addendum to the master lease which includes provisions protecting the Lender and HUD's interests, a Master Tenant Security Agreement, a Master Tenant Regulatory Agreement, a Subordination Agreement or Subordination Non-Disturbance Agreement, and a Cross-Default Guaranty of Subtenants. The master lease structure allows for any rental deficiencies at one facility to be supported by income from another facility under the master lease. It is important to note that a master lease does not pool the assets of all facilities for underwriting a single mortgage loan for multiple facilities. Each individual loan must meet HUD's underwriting standards on its own merit.



Definitions. Several definitions have been clarified throughout the documents, and several new terms have been added. The terms “Borrower,” “Lender,” and “Operator,” have been added and apply when referencing the respective concepts of borrower/owner/mortgagor/lessor, lender/mortgagee, and operator/lessee/sub-lessee/sub-tenant. Based on the multifamily concept, the term “Mortgaged Property” refers to all of the borrower’s interests in any aspect of the project, and includes concepts and interests specific to healthcare programs. Although “Mortgaged Property” relates only to the Borrower’s interests in the project, the operator’s interests in project-related assets are separately conveyed as collateral through the operator’s security agreement. In order to capture all of borrowers’ and operators’ interests and assets related to the development and operation of the healthcare facility, including those that, in the strictest legal interpretations may not be a part of the healthcare facility itself, the terms “Healthcare Facility” and “Project” have been set forth as very closely related but distinct concepts: “Project” has been defined as “any and all assets of whatever nature or wherever situated related to the Loan, including without limitation, the Mortgaged Property, any Improvements, and any collateral owned by operators securing the Loan;” whereas “Healthcare Facility” has been defined as “any portions of the Project (both tangible, and intangible), operated on the Land as a Nursing Home, Intermediate Care Facility, Board and Care Home, Assisting Living Facility or any other healthcare facility authorized to receive mortgage insurance pursuant to Section 232 of the National Housing Act, as amended, or other applicable federal law.” Several other definitions have been revised, added, or deleted, as appropriate.

Finally, a decision was made to adopt more consistency in the numbering system for the program documents, *e.g.* HUD Form 9XXXX-OHP. Greater consistency should reduce

confusion because the documents will appear in the same group wherever HUD publishes the documents, *e.g.* HUDCLIPS at <http://www.hud.gov/hudclips>.

### <HD1>III. Paperwork Reduction Act

The proposed new information collection requirements contained in this notice have been submitted to the Office of Management and Budget (OMB) for review under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501– 3520). Under this Act, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number. The public reporting burden for this new collection of information is estimated to include the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Information on the estimated public reporting burden is provided in the following table:

New Form Number	Form Name	Number of Respondents	Freq. of Resp.	Resp. per Annum	Avg. Burden per Hour per Resp.	Annual Burden Hours	Avg. Hourly Cost Per Resp.	Annual Cost
HUD-901-OHP	Firm Application Checklist Section 232 - 223a7 Refinance	30	2.5	75	0.67	50	\$62	\$3,083
HUD-902-OHP	Firm Application Checklist Section 232 - 223f Refinance	30	7.5	225	0.83	188	\$62	\$11,563
HUD-903-OHP	Firm Application Checklist Section 232 - 241a Supplemental Loan	4	1	4	0.83	3	\$62	\$206
HUD-904-OHP	Firm Application Checklist Section 232 - New Construction - Single Stage	10	2	20	1.17	23	\$62	\$1,439
HUD-905a-OHP	Firm Application Checklist Section 232 - New Construction - 2 Stage - Final Submittal	10	2	20	0.67	13	\$62	\$822

New Form Number	Form Name	Number of Respondents	Freq. of Resp.	Resp. per Annum	Avg. Burden per Hour per Resp.	Annual Burden Hours	Avg. Hourly Cost Per Resp.	Annual Cost
HUD-905-OHP	Firm Application Checklist Section 232 - New Construction - 2 Stage - Initial Submittal	10	2	20	0.83	17	\$62	\$1,028
HUD-906-OHP	Firm Application Checklist Section 232 - Substantial Rehabilitation - Single Stage	4	1	4	1.17	5	\$62	\$288
HUD-907-OHP	Firm Application Checklist Section 232 -Substantial Rehabilitation - 2 Stage - Initial Submittal	4	1	4	0.83	3	\$62	\$206
HUD-907a-OHP	Firm Application Checklist Section 232 - Substantial Rehabilitation - 2 Stage - Final Submittal	4	1	4	0.83	3	\$62	\$206
HUD-908-OHP	Firm Application Checklist Section 232 - Blended Rate - Single Stage	4	1	4	0.83	3	\$62	\$206
HUD-909-OHP	Firm Application Checklist Section 232 - 232(i) - Fire Safety Protection Loan for Projects Not Currently Insured	5	2	10	0.67	7	\$62	\$411
HUD-9010-OHP	Firm Application Checklist Section 232 - 232(i) - Fire Safety Protection Loan for Projects Currently Insured	5	2	10	0.67	7	\$62	\$411
HUD-9011-OHP	Firm Application Checklist Section 232 - 223(d) - Operating Loss Loan	1	2	2	0.67	1	\$62	\$82
HUD-9012-OHP	Post-Commitment Early Start of Construction Checklist	7	1	7	0.50	4	\$62	\$216
HUD-9001-OHP	Lender Narrative 223a7 - Main	30	2.5	75	22.00	1650	\$75	\$123,750

New Form Number	Form Name	Number of Respondents	Freq. of Resp.	Resp. per Annum	Avg. Burden per Hour per Resp.	Annual Burden Hours	Avg. Hourly Cost Per Resp.	Annual Cost
HUD-9001a-OHP	Lender Narrative 223a7 - Addenda - PCNA	30	2.5	75	1.50	113	\$75	\$8,438
HUD-9001b-OHP	Lender Narrative 223a7.223d.232i - Addenda - Survey	30	2.5	75	0.25	19	\$75	\$1,406
HUD-9001c-OHP	Lender Narrative 223a7 - Addenda - 4128	30	2.5	75	0.25	19	\$75	\$1,406
HUD-9001d-OHP	Lender Narrative 223a7 - Addenda - Indebtedness	30	2.5	75	0.25	19	\$75	\$1,406
HUD-9001e-OHP	Lender Narrative 223a7.223d.232i - Addenda - Principal of Mortgagor	30	2.5	75	0.50	38	\$75	\$2,813
HUD-9001f-OHP	Lender Narrative 223a7.223d.232i - Addenda - Operator	20	2.5	50	0.50	25	\$75	\$1,875
HUD-9001g-OHP	Lender Narrative 223a7.223d.232i - Addenda - Management Agent	12	2.5	30	0.50	15	\$75	\$1,125
HUD-9001h-OHP	Lender Narrative 223a7.223d.232i - Addenda - Operating Lease	30	2.5	75	0.50	38	\$75	\$2,813
HUD-9001i-OHP	Lender Narrative 223a7.223d.232i - Addenda - Management Agreement	30	2.5	75	0.25	19	\$75	\$1,406
HUD-9001j-OHP	Lender Narrative 223a7.223d - Addenda - AR Financing	15	2.5	37.5	0.50	19	\$75	\$1,406
HUD-9002-OHP	Lender Narrative 223f	30	7.5	225	70.00	15750	\$75	\$1,181,250
HUD-9003-OHP	Lender Narrative 241a - Main	4	1	4	73.33	293	\$75	\$22,000
HUD-9003a-OHP	Lender Narrative 241a - Addenda - Phase 1 Environmental	4	1	4	4.00	16	\$75	\$1,200
HUD-9004-OHP	Lender Narrative New Construction - Single Stage	10	2	20	86.67	1733	\$75	\$130,000
HUD-9005a-OHP	Lender Narrative New Construction 2 Stage Final Submittal	10	2	20	53.33	1067	\$75	\$80,000

New Form Number	Form Name	Number of Respondents	Freq. of Resp.	Resp. per Annum	Avg. Burden per Hour per Resp.	Annual Burden Hours	Avg. Hourly Cost Per Resp.	Annual Cost
HUD-9005-OHP	Lender Narrative New Construction 2 Stage Initial Submittal	10	2	20	63.33	1267	\$75	\$95,000
HUD-9006-OHP	Lender Narrative Substantial Rehabilitation - Single Stage	4	1	4	93.33	373	\$75	\$28,000
HUD-9007-OHP	Lender Narrative Substantial Rehabilitation 2 Stage Initial Submittal	4	1	4	70.00	280	\$75	\$21,000
HUD-9007a-OHP	Lender Narrative Substantial Rehabilitation 2 Stage Final Submittal	4	1	4	70.00	280	\$75	\$21,000
HUD-9008-OHP	Lender Narrative - Blended Rate	4	1	4	70.00	280	\$62	\$17,267
HUD-9009-OHP	Lender Narrative 232(i) Not Currently Insured	5	2	10	0.67	7	\$62	\$411
HUD-90010-OHP	Lender Narrative 232(i) Currently Insured	5	2	10	0.67	7	\$62	\$411
HUD-90011-OHP	Lender Narrative 223(d) - Main	1	2	2	0.67	1	\$62	\$82
HUD-9444-OHP	Lender Narrative Cost Certification Supplement	2	2	4	6.67	27	\$75	\$2,000
HUD-90001-OHP	Firm Commitment-223a7	30	2.5	75	0.42	31	\$83	\$2,604
HUD-90002-OHP	Firm Commitment-223f	30	7.5	225	0.42	94	\$83	\$7,813
HUD-90003a-OHP	Firm Commitment - New Construction or Substantial Rehabilitation - 2 Stage-Final Submittal (Amended and Restated)	12	2	24	0.42	10	\$83	\$833
HUD-90003-OHP	Firm Commitment - New Construction or Substantial Rehabilitation - 2 Stage - Initial Submittal	12	2	24	0.42	10	\$83	\$833

New Form Number	Form Name	Number of Respondents	Freq. of Resp.	Resp. per Annum	Avg. Burden per Hour per Resp.	Annual Burden Hours	Avg. Hourly Cost Per Resp.	Annual Cost
HUD-90004-OHP	Firm Commitment - New Construction or Substantial Rehabilitation - Single Stage	12	2	24	0.42	10	\$83	\$833
HUD-90005-OHP	Firm Commitment-241a	12	2	24	0.42	10	\$83	\$833
HUD-90006-OHP	Firm Commitment-232(i)	5	2	10	0.67	7	\$62	\$411
HUD-90007-OHP	Firm Commitment-223(d)	1	2	2	0.67	1	\$62	\$82
HUD-90012-OHP	Consolidated Certification - Lender	30	2.5	75	0.58	44	\$67	\$2,917
HUD-90013-OHP	Consolidated Certification – Mortgagor	77	1	77	1.33	103	\$75	\$7,700
HUD-90014-OHP	Consolidated Certification - Principal of the Mortgagor	38	2	76	1.33	101	\$75	\$7,600
HUD-90015-OHP	Consolidated Certification - Operator	35	2	70	1.33	93	\$75	\$7,000
HUD-90016-OHP	Consolidated Certification - Parent of Operator	35	2	70	1.33	93	\$75	\$7,000
HUD-90017-OHP	Consolidated Certification - Management Agent	35	2	70	1.33	93	\$75	\$7,000
HUD-90018-OHP	Consolidated Certification - Contractors	4	1	4	1.33	5	\$75	\$400
HUD-90019-OHP	Auditor Certification 223d	3	1	3	0.58	2	\$67	\$117
HUD-90021-OHP	Certification FHA Retyped Forms	35	10	350	0.28	99	\$83	\$8,264
HUD-90022-OHP	Certification for Electronic Submittal	35	10	350	0.28	99	\$67	\$6,611
HUD-9445-OHP	Certification of Outstanding Obligations	35	10	350	1.25	438	\$83	\$36,458
HUD-91118-OHP	Owner's Certification – Completion of Critical Repairs	240	1	240	0.58	140	\$75	\$10,500

New Form Number	Form Name	Number of Respondents	Freq. of Resp.	Resp. per Annum	Avg. Burden per Hour per Resp.	Annual Burden Hours	Avg. Hourly Cost Per Resp.	Annual Cost
HUD-92434-OHP	Lender Certification	35	10	350	0.75	263	\$75	\$19,688
HUD-91130-OHP	Building Code Certification	26	2	52	0.33	17	\$83	\$1,444
HUD-91131-OHP	Zoning Certification	30	11.7	351	0.67	234	\$75	\$17,550
HUD-91123-OHP	Design Professional's Certification of Liability Insurance	26	2	52	0.33	17	\$83	\$1,444
HUD-91124-OHP	Design Architect Certification	26	2	52	0.33	17	\$83	\$1,444
HUD-91127-OHP	Financial Statement Certification GC	26	2	52	0.37	19	\$67	\$1,271
HUD-92408-OHP	HUD Amendment to B108	26	2	52	0.28	15	\$75	\$1,105
HUD-95379-OHP	HUD Representative's Trip Report	26	28	728	0.83	607	\$75	\$45,500
HUD-91129-OHP	Lender Certification for New Construction Cost Certifications	10	5.2	52	3.33	173	\$75	\$13,000
HUD-9441-OHP	Lenders Preconstruction Conference Agenda	10	5	50	4.67	233	\$75	\$17,500
HUD-9442-OHP	Memo for Post-Commitment Early Start of Construction Request	3	2	6	0.70	4	\$75	\$315
HUD-92415-OHP	Request for Permission to Commence Construction Prior to Initial Endorsement for Mortgage Insurance (Post-Commitment Early Start of Construction)	3	2	6	0.30	2	\$83	\$150
HUD-93305-OHP	Agreement and Certification	10	5.2	52	0.50	26	\$75	\$1,950
HUD-92441-OHP	Building Loan Agreement	10	5.2	52	1.00	52	\$75	\$3,900
HUD-92441a-OHP	Building Loan Agreement Supplemental	10	5.2	52	1.00	52	\$75	\$3,900
HUD-92450-OHP	Completion Assurance	10	5.2	52	0.50	26	\$75	\$1,950

New Form Number	Form Name	Number of Respondents	Freq. of Resp.	Resp. per Annum	Avg. Burden per Hour per Resp.	Annual Burden Hours	Avg. Hourly Cost Per Resp.	Annual Cost
HUD-92442-OHP	Construction Contract	10	5.2	52	1.00	52	\$75	\$3,900
HUD-92554-OHP	Construction Contract Supplemental	10	5.2	52	0.20	10	\$217	\$2,253
HUD-92456-OHP	Escrow Agreement for Incomplete Construction	3	2	6	0.50	3	\$75	\$225
HUD-92479-OHP	Offsite Bond	5	3	15	0.50	8	\$75	\$563
HUD-92452A-OHP	Payment Bond	5	5.2	26	0.50	13	\$75	\$975
HUD-92452-OHP	Performance bond Dual Obligatee	5	5.2	26	0.50	13	\$217	\$2,817
HUD-92455-OHP	Request for Endorsement	10	5.2	52	0.75	39	\$75	\$2,925
HUD-92023-OHP	Request for Final Endorsement	10	5.2	52	1.00	52	\$75	\$3,900
HUD-92477-OHP	Sponsors Bond	1	1	1	0.50	1	\$75	\$38
HUD-92412-OHP	Working Capital Escrow	10	5.2	52	0.50	26	\$75	\$1,950
HUD-91125-OHP	Staffing Schedule	30	5.83	175	1.00	175	\$62	\$10,792
HUD-91708-OHP	Agreement for Payment of Real Property Taxes	1	1	1	0.67	1	\$83	\$56
HUD-92576A-OHP	Certificate of Need for Health Facility	3	2	6	0.30	2	\$83	\$150
HUD-90023-OHP	Check Transmittal Letter Template	30	11.7	351	0.28	99	\$62	\$6,133
HUD-90024-OHP	Contact Sheet	35	10	350	0.67	233	\$67	\$15,556
HUD-91121-OHP	Deposit Account Control Agreement (DACA)	30	5	150	3.67	550	\$217	\$119,167
HUD-91122-OHP	Deposit Account Instructions and Service Agreement (DAISA)	30	5	150	3.50	525	\$217	\$113,925
HUD-91126-OHP	Financial Statement Certification	150	7	1050	0.37	385	\$67	\$25,667



New Form Number	Form Name	Number of Respondents	Freq. of Resp.	Resp. per Annum	Avg. Burden per Hour per Resp.	Annual Burden Hours	Avg. Hourly Cost Per Resp.	Annual Cost
HUD-92264-OHP	Healthcare Facility Summary Appraisal Report	26	2	52	41.33	2149	\$75	\$161,200
HUD-91116-OHP	Addendum to Operating Lease	30	6.5	195	0.50	98	\$217	\$21,125
HUD-941-OHP	Lenders FHA Number Request Form	30	11.7	351	0.37	129	\$62	\$7,937
HUD-92264a-OHP	Maximum Insurable Mortgage	30	11.7	351	1.25	439	\$83	36562.5
HUD-92477-OHP	Property Insurance Requirements	35	10	350	0.87	303	\$75	\$22,750
HUD-2-OHP	Request for Waiver of Housing Directive	20	8	160	1.00	160	\$75	\$12,000
HUD-91119-OHP	Schedule of Facilities Owned Operated or Managed	35	10	350	1.33	467	\$75	\$35,000
HUD-91110-OHP	Subordination, Non-Disturbance and Attornment Agreement of Operating Lease (SNDA)	30	11.7	351	2.33	819	\$233	\$191,100
HUD-91111-OHP	Survey Instructions and Owners Certification	180	1.5	270	0.53	144	\$83	\$12,000
HUD-91112-OHP	Request of Overpayment of Firm Application Exam Fee	15	5.13	76.95	0.50	38	\$67	\$2,565
HUD-9839-OHP	Management Certification—Residential Care Facility	5	1	5	0.50	3	\$75	\$188
HUD-92466-OHP	Regulatory Agreement—Owner of Residential Care Facility	35	10	350	0.83	292	\$217	\$63,194
HUD-92466A-OHP	Regulatory Agreement—Operator (non-lessee) of Residential Care Facility	10	2	20	0.83	17	\$217	\$3,611
HUD-94000-OHP	Security Instrument/ Mortgage/Deed of Trust	35	10	350	1.00	350	\$217	\$75,833

New Form Number	Form Name	Number of Respondents	Freq. of Resp.	Resp. per Annum	Avg. Burden per Hour per Resp.	Annual Burden Hours	Avg. Hourly Cost Per Resp.	Annual Cost
HUD-92070-OHP	Lease Addendum	2	1	2	0.50	1	\$217	\$217
HUD-94001-OHP	Healthcare Facility Note	35	10	350	1.00	350	\$75	\$26,250
HUD-91710-OHP	Residual Receipts Note Non Profit Mortgagor	5	2	10	0.50	5	\$75	\$375
HUD-92420-OHP	Subordination Agreement	7	2	14	0.50	7	\$217	\$1,517
HUD-9223-OHP	Surplus Cash Note	7	2	14	0.50	7	\$75	\$525
HUD-91128-OHP	Initial Operating Deficit Escrow Calculation Template	11	5	55	1.25	69	\$83	\$5,729
HUD-92414-OHP	Latent Defects Escrow	20	12	240	0.50	120	\$75	\$9,000
HUD-9443-OHP	Minor Moveable Escrow	26	2	52	0.92	48	\$83	\$3,972
HUD-92476-OHP	Escrow Agreement Noncritical Deferred Repairs	20	12	240	0.50	120	\$75	\$9,000
HUD-92476A-OHP	Escrow Agreement Additional Contribution by Sponsors	1	1	1	0.50	1	\$217	\$108
HUD-92476B-OHP	Escrow Agreement for Operating Deficits	12	4.8	57.6	0.50	29	\$75	\$2,160
HUD-92464-OHP	Request Approval Advance of Escrow Funds	35	15	525	1.00	525	\$75	\$39,375
HUD-92266-OHP	Application for Transfer of Physical Assets (TPA)	25	2	50	1.17	58	\$83	\$4,861
HUD-93331-OHP	Asset Management Submission Section 232 Accounts Receivable Checklist	25	2	50	1.17	58	\$83	\$4,861
HUD-93332-OHP	Certification of Exigent Health & Safety (EH&S) Issues	456	1	456	0.75	342	\$75	\$25,650
HUD-93333-OHP	Certification Physical Condition in Compliance	208	1	208	0.50	104	\$83	\$8,667

New Form Number	Form Name	Number of Respondents	Freq. of Resp.	Resp. per Annum	Avg. Burden per Hour per Resp.	Annual Burden Hours	Avg. Hourly Cost Per Resp.	Annual Cost
HUD-93486-OHP	Computation of Surplus Cash HUD 93486	70	1	10	0.25	18	\$62	\$1,085
HUD-9250-OHP	Funds Authorizations, HUD-9250	500	5.6	2800	1.00	2800	\$75	\$210,000
HUD-92114-OHP	Loan Modification Lender Submission Checklist	5	3	15	0.58	9	\$75	\$656
HUD-92228-OHP	Model Form Bill of Sale and Assignment	20	2	40	0.67	27	\$83	\$2,222
HUD-92115-OHP	Mortgagor Certification and Request Detail - Attach 1	15	2	30	1.00	30	\$75	\$2,250
HUD-92116-OHP	Modified Master Lease Checklist - Asset Management	15	2	30	1.00	30	\$75	\$2,250
HUD-92117-OHP	Owner's Certification – Completion of Non-Critical Repairs	250	2	500	0.58	292	\$75	\$21,875
HUD-92417-OHP	Personal Financial and Credit Statement, form HUD-92417	175	6	1050	3.50	3675	\$83	\$306,250
HUD-92118-OHP	Partial Payment of Claim Model	15	30	450	2.00	900	\$75	\$67,500
HUD-93479-OHP	Schedule A Monthly Report for Establishing Net Income	60	2	120	1.17	140	\$75	\$10,500
HUD-93480-OHP	Schedule B Schedule of Disbursements	60	12	720	1.00	720	\$75	\$54,000
HUD-93481-OHP	Schedule C Schedule of Accounts Payable	60	12	720	1.00	720	\$75	\$54,000
HUD-92119-OHP	TPA Checklist (Full and Modified, Lessee Operator, Management Agent)	11	5	55	0.58	32	\$75	\$2,406
HUD-90020-OHP	A/R Financing Certification	50	3	150	0.67	100	\$217	\$21,667
HUD-92321-OHP	Blocked Account Agreement	35	10	350	2.00	700	\$200	\$140,000
HUD-92322-OHP	Intercreditor Agreement (for AR Financed Projects)	30	5	150	2.00	300	\$200	\$60,000

New Form Number	Form Name	Number of Respondents	Freq. of Resp.	Resp. per Annum	Avg. Burden per Hour per Resp.	Annual Burden Hours	Avg. Hourly Cost Per Resp.	Annual Cost
HUD-92323-OHP	Operator Security Agreement	30	6.5	195	2.00	390	\$200	\$78,000
HUD-92324-OHP	Rider to Intercreditor Agreement (for AR Financed Projects)	30	5	150	2.00	300	\$200	\$60,000
HUD-92211-OHP	Master Lease Addendum	5	5	25	1.00	25	\$217	\$5,417
HUD-92331-OHP	Subtenants Cross Guaranty	30	5.83	175	1.00	175	\$217	\$37,895
HUD-92333-OHP	Master Lease SNDA	30	5.83	175	1.00	175	\$217	\$37,895
HUD-92334-OHP	Subordination Agreement - Operating Lease	30	5.83	175	2.00	350	\$217	\$75,790
HUD-92335-OHP	Master Tenants Attorneys Opinion	30	5.83	175	1.00	175	\$217	\$37,895
HUD-92337-OHP	Master Tenant Regulatory Agreement	30	5.83	175	2.00	350	\$217	\$75,790
HUD-92339-OHP	Master Lease Estoppel Agreement	30	5.83	175	0.50	87	\$217	\$18,948
HUD-92340-OHP	Master Tenant Security Agreement	30	5.83	175	1.00	175	\$217	\$37,895
HUD-91117-OHP	Operator Estoppel Certificate	100	2	200	0.75	150	\$275	\$41,250
HUD-91725-INST-OHP	Counsels Opinion Instructions	35	10	350	2.00	700	\$217	\$151,667
HUD-91725-CERT-OHP	Opinion of Borrower's Counsel Certification - Exhibit A	35	10	350	2.00	700	\$217	\$151,667
HUD-91725-OHP	Guide for Opinion of Borrower's Counsel	35	10	350	2.00	700	\$217	\$151,667
HUD-92325-OHP	Guide for Opinion of Operator's Counsel and Certification	30	6.5	195	3.00	585	\$200	\$117,000
	<b>TOTALS</b>	<b>5115</b>	<b>708</b>	<b>23958</b>	<b>855</b>	<b>51,868</b>	<b>\$15,252</b>	<b>\$4,966,799</b>

In accordance with 5 CFR 1320.8(d)(1), HUD is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to:

- (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information;
- (3) Enhance the quality, utility, and clarity of the information to be collected; and
- (4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Interested persons are invited to submit comments regarding the information collection requirements in this proposal. Comments must be received by **July 2, 2012**. Comments must refer to the proposal by name and docket number (FR-5354-N-01) and must be sent to:

HUD Desk Officer,  
Office of Management and Budget,  
New Executive Office Building,  
Washington, DC 20503,  
Fax number: (202) 395-6947,

and

Colette Pollard,  
Office of the Chief Information Officer,  
Department of Housing and Urban Development,  
451 Seventh Street, SW.,  
Room 4178,  
Washington, DC 20410.

**<HD1>IV. Solicitation of Public Comments**

HUD welcomes public comments from industry and other interested members of the public on this most recent issuance of revised documents, posted at: [www.hud.gov/232forms](http://www.hud.gov/232forms).

<SIG><DATED>Dated: April 12, 2012.

<NAME>Carol J. Galante,  
<TITLE>Assistant Secretary for Housing – Federal Housing Commissioner.</SIG>

<FRDOC> [FR Doc. 2012&ndash;10687 Filed 5&ndash;2&ndash;12; 8:45 am]

<BILCOD>BILLING CODE 4210&ndash;67&ndash;P

[FR Doc. 2012-10687 Filed 05/02/2012 at 8:45 am; Publication Date: 05/03/2012]